

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

United States,)	
)	
Plaintiff,)	4:03-cr-474-CWH
)	
versus)	ORDER
)	
Lenoris Willard,)	
)	
Defendant.)	
_____)	

On July 10, 2003, the defendant pled guilty to conspiracy to distribute and to possess with intent to distribute 5 kilograms or more of cocaine and 50 grams or more of cocaine base, commonly known as crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846. The Court adopted a drug quantity of 3.9 kilograms of crack cocaine.

On March 10, 2004, the Court departed downward from the sentencing guidelines on the basis of the defendant's substantial assistance and sentenced the defendant to a term of 100 months in prison followed by 5 years supervised release. On February 13, 2008, and on April 28, 2008, the defendant moved for retroactive application of the amended sentencing guidelines. The position of the government and of the U.S. Probation is that the defendant does not qualify for a reduction because the Court departed downward from a mandatory minimum sentence of 240 months.

On June 16, 2008, the Court held a hearing on the defendant's motion for a reduction in sentence. The Court recomputed the defendant's sentence in light of the reduction and determined that the reduction would not produce a different result. Even if the reduction were given, the defendant's mandatory minimum sentence would be 240 months. The Court would then depart downward to 100 months because of the defendant's substantial assistance. For this

reason, on June 16, 2008, the Court denied the defendant's motion for a downward departure.

On June 26, 2008, the defendant moved for reconsideration.

The requested reduction would make no difference in the defendant's sentence.

Therefore, the defendant's motion for reconsideration is denied.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive, flowing style. The "C" is large and loops around the first part of the name. The "Houck" is written with a prominent "H" and a trailing flourish.

C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

July 2, 2008
Charleston, South Carolina